In the High Court of Punjab and Haryana at Chandigarh.

F.A.O.No.4287 of 2006.(O&M).

Date of decision:26.9.2006.

Munsha Singh.

...Appellant.

Versus

The Deputy Director and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S .N. Aggarwal.

...

Present: Mr.Baldev Singh Sidhu Advocate for the appellant.

...

Judgment.

S.N.Aggarwal, J.

Elections had taken place in Gram Panchayat Basti Walla Singh, Block Gur Sahai, Tehsil Jalalabad on 29.6.2003. Sona Singh and Phuman Singh had filed nomination papers against Munsha Singh appellant to contest for the office of Sarpanch of that Gram Panchayat. The nomination papers of Sona Singh and Phuman Singh were rejected by the Returning Officer and Munsha Singh, appellant was elected as Sarpanch as un-opposed. On this, Sona Singh and Phuman Singh filed election petition.

The election petition was contested by the appellant. The

nomination papers of Sona Singh respondent No.2 were rejected by the Returning Officer with the following objection:-

(i) That the petitioner had not filled the form regarding details of movable/immovable assets owned by him;

(ii) That there were no signatures of the petitioners on the form furnished by them regarding non-conviction in any offence;

(iii) That the petitioner had not furnished the original affidavit regarding non-conviction.

The learned Election Tribunal found that Sona Singh respondent had duly filled in the form regarding details of movable/immovable assets owned by him and this form was duly signed by him. This fact was also admitted by the Returning Officer in his statement when he appeared before the Election Tribunal. Therefore, the first objection was frivolous and baseless.

The second objection was that the petitioner had not signed the form regarding his non-conviction for any offence. It was found by the Election Tribunal that Sona petitioner had filled up the form regarding his non-conviction and the same was furnished by him to the Returning Officer. Although the said form was not signed by Sona Singh but the Returning Officer could have asked him to sign the same and would have obtained his signatures. Moreover, Sona Singh had filed photo copy of his affidavit about his non-conviction. It was for the Returning Officer to demand the original affidavit .Accordingly, the

election petition was accepted by the Presiding Officer, Election Tribunal vide order dated 26.7.2006. The election of Munsha Singh Sarpanch was set aside and fresh elections of Sarpanch of Basti Walla Singh were ordered.

Hence, the present appeal.

The submission of learned counsel for the appellant was that non-conviction form was not signed by Sona Singh and original affidavit was not filed by him. Therefore, the objections raised by the Returning Officer were legal and valid and were sufficient for rejecting his nomination papers. It was further submitted that the learned Election Tribunal has gone wrong by observing that the Returning Officer could have got signed the original form from Sona Singh or could have asked Sona Singh to file the original affidavit. Hence, it was prayed that the impugned order dated 26.7.2006 be set aside and the appellant be declared as Sarpanch of Gram Panchayat of Basti Walla Singh.

These submissions have been considered.

The first objection was frivolously raised by the Returning Officer that Sona Singh had not filled up the form regarding his movable and immovable assets owned by him. The Returning Officer had himself admitted that the said form duly filled in and signed by Sona Singh was furnished by him. The non-conviction form was, however, was not signed. Similarly, photo copy of the affidavit was filed but the original was not filed. These were very negligible

objections which could have been got removed by the Returning Officer by a little bit of intelligence. After all, the parties are villagers. They were not well versed with election matters nor they were assisted by Advocates as the MLAs and MPs are assisted by Advocates. Therefore, minor discrepancies could be found in their papers which can be got removed by the Returning Officer by asking them to put signatures or to fill in the form as the case may be.

In view of the discussion held above, I find no merit in this petition and the same is dismissed.

September 26,2006. (S. N. Aggarwal)
Jaggi Judge